

-Remarks-

Amendments:

Entry of the above amendments and reconsideration and withdrawal of the objection to claims 1, 4, 7, 9 - 23, 25, 32 - 39 and 41 is respectfully requested. Claims 1, 4, 9, 25 and 31 were amended to conform those claims to the restriction requirement. Claims 1, 12, 13, 14 and 17 have also been amended to remove H from the definition of R⁷. Claim 40 was canceled herein. New method claims 42 - 50 and new pharmaceutical composition claim 51 have been added. Support for the new method claims may be found in previous method claims 31 - 39 and in Example 8. Support for the new pharmaceutical composition claim may be found at page 178, lines 21 - 25 of the specification and in Example 8. All amendments were made without waiver or prejudice. Applicants reserve the right to file divisional or continuation applications directed to the nonelected or other canceled subject matter of this invention. A fee transmittal sheet has been included to account for nine previously unpaid-for claims.

The Objection to the Claims:

The Examiner has objected to the claims, alleging that applicants have not fully conformed the claims to the elected group since J¹ and J² were required by the restriction requirement to be limited to unsaturated rings. Applicants have amended claims 1, 4, 9 and 25 so that those claims are now directed only to those compounds wherein J¹ and J² are unsaturated rings.

The Examiner has also objected to Claims 31, 32 and 40 as being directed to methods of treating other than respiratory diseases. Applicants have amended Claim 31 to include the term "respiratory." Claim 32, dependent from Claim 31, is now also limited by that amendment to respiratory diseases, disorders or conditions. Claim 40 was canceled.

Applicants respectfully submit that the claims, after amendment, now conform completely with the original restriction requirement. Applicants respectfully request that the Examiner reconsider and withdraw the objection to claims 1, 4, 7, 9 - 23, 25, 32 - 39 and 41.

Additional remarks.

Applicants direct the Examiner's attention to U.S. 6,380,218, which was erroneously listed at U.S. 6,380, 216 in the Information Disclosure Statement but which was also cited in the Information Disclosure Statement as its corresponding International Application Publication Number WO98/45268. Applicant requests that the Examiner pay particular attention to the compounds therein wherein R¹ is aryl and the substituents and sub-substituents thereon, which may be alkoxy substituted by carboxy. Applicants have amended claim 1, 12, 13, 14, and 17 hereinabove to remove compounds therefrom wherein R⁷ is H. Applicants note that some of the compounds within the scope of claim 25 and the compound of claim 41 have an aryl group which is substituted by alkoxy which is substituted by carboxy. However, Applicants submit that these compounds are patentable since none of those compounds were explicitly disclosed by U.S. 6,380,218.

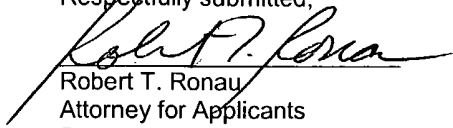
-Conclusion-

Applicants, having responded to all points and concerns raised by the Examiner, believe this application to be in condition for allowance. An early and favorable action is respectfully requested.

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Respectfully submitted,


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